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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,897	03/23/2001	Michael James Burk	41556/03971 (RS11P007)	7886
22428	7590	06/10/2004	EXAMINER	
FOLEY AND LARDNER SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			ZEENDER, FLORIAN M	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 06/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/815,897

Applicant(s)

BURK ET AL.

11

Examiner

F. Ryan Zeender

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☒ Claim(s) 10 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 04062004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claims 10 and 16 are objected to because of the following informalities: The terminology, "the associated store" lacks proper antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In each independent claim, in paragraph "e", it is not clear whether the terminology "a plurality of supply chain participants" refers to the same plurality of supply chain participants claimed in paragraph "a" or to a separate distinct plurality of supply chain participants.

In each independent claim, in paragraph "e", it is not clear whether the terminology "a plurality of groups" refers to the same groups claimed in paragraph "d" or to separate distinct groups.

In each independent claim, in paragraph "f", the terminology "one group containing independent peers" lacks proper antecedent basis.

In claim 27, line 1, "The computer program product of claim 1" lacks antecedent basis.

Claim Rejections - 35 USC § 103

Claims 1-18, 21, 24, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shavit et al. '156.

Shavit et al. disclose or inherently teach all the limitations of the claims including profile data for every subscriber and every user allowing subdivision of the profile (i.e., "grouping") so that some of the functions may be authorized only to specific individuals/users; the supply chain management computer assigning an identifier (i.e., "short code"; see specifically column 10, line 21); and concurrent communication for transactions between more than two users (See for example Col. 1, lines 32-36).

Shavit et al. lacks the specific teaching of the identifier preserving the anonymity of the supply chain participant; the participants being independent supply chain participants of a franchise supply chain; at least one group containing independent peers with access to data from the peers within the group, the identifier being a numeric string, the identifier indicating a region where the associated store is located, and the supply chain participants including restaurants.

It would have been an obvious design choice to one of ordinary skill in the art at the time of the invention to have the identifier ("short code" described in column 10, line 21) preserve the anonymity of the supply chain participant in order to provide extensive provisions for security (See, for example, Shavit et al., Col. 9, line 45).

It would have been a further obvious design choice at the time of the invention to have the participants be independent supply chain participants of a franchise supply

chain as these types of businesses are well known to engage in the buying and selling of products.

It would have been a further obvious design choice to one of ordinary skill in the art at the time of the invention to group the participants by peer groups and allow access to information within the peer group in order to process "business transactions" between "a plurality of sellers and a plurality of buyers" (See Shavit Col. 2, lines 20-36) for goods such as overstocked goods.

Re claims 3, 9, and 15: It would have been a further obvious design choice at the time of the invention to have the identifier be a numeric string, as is well known and often used in computer security codes.

Re claims 4, 10, and 16: It would have been a further obvious design choice at the time of the invention to have the identifier indicate a region where the associated store is located, as is well known in identifiers, for example a zip code identifier.

Re claims 6, 12, and 18: It would have been a further obvious design choice at the time of the invention to have the supply chain participants include restaurants, as these businesses are well known to have the need to share information; for example in chain restaurants where advertising might be shared.

Re claim 21: Performing the calculation is an obvious design choice to one of ordinary skill in the art in order to determine an approximate amount of goods to order for multiple stores. *(note: Shavit et al. teach concurrent communication for transactions between multiple users (See for example Col. 1, lines 32-36)).*

Claims 19-20, 22-23, and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shavit et al. '156 in view of Duffy et al. '610.

Shavit et al. lack the specific teaching of aggregating retail sales data for a product and determining from a component parts list usage for items on the list.

Duffy et al. teach a similar system whereby sales data is aggregated (See for example paragraph 0056 and 0022) and functional characteristics of components are documented (See for example paragraph 0021).

It would have been obvious to one of ordinary skill in the art to modify Shavit et al. to include aggregating retail sales data for a product and determining from a component parts list usage for items on the list, in view of Duffy et al., in order to provide a system that "reduces or eliminates the occurrence of inaccurate or missing data" (See Duffy et al., Paragraph 0022).

Response to Arguments

Applicant's arguments filed April 6, 2004 have been fully considered but they are not persuasive in light of the new grounds of rejection. The applicant argues on page 7 that there is no motivation to modify Shavit to provide information to independent peers in a group because the buyers are not related in any fashion. However, this argument is not convincing in that the very fact they are all buyers (instead of sellers) means that they are at least somewhat "related" (*i.e., they all need to obtain product to sell*).

The applicant further states on page 8, that Shavit has no provision for access to anonymous data via the system. However, as discussed in the rejection above, Shavit states that the identifier is a "name or short code". The short code could very well be

anonymous and therefore there is a provision in Shavit for making the acquired data anonymous.

Regarding claims 4, 10, and 16, the applicant argues there is no reason why Shavit would want to have identifiers indicate regions, however, this is not convincing because knowing the region can play an important role in total cost of goods when shipping costs are included.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

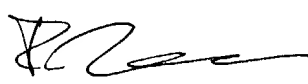
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (703) 308-8351. The examiner can normally be reached on Monday-Friday, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Olszewski can be reached on (703) 308-5183. The receptionist's phone number for the Technology center is (703) 308-1113.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9327 for after-final communications.

F. Zeender
Primary Examiner, A.U. 3627
June 7, 2004

 6/7/04